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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/786,368	IGA, NORIHISA
Office Action Summary	Examiner	Art Unit	
	CANH LE	2439	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 June 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-66* is/are pending in the application.

    4a) Of the above claim(s) *1-13, 16-24, 31-39, 56-66* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *14,15,25-30 and 40-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *26 February 2004* is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
::06/12/2008;02/20/2008;11/15/2006;02/26/2004..

DETAILED ACTION

This Office Action is in response to the communication filed on 06/19/2008.

Applicant's election without traverse of species 3 (Claims 14-15, 25-30, and 40-55, figures 3 and

9 in the reply on 06/19/2008 is acknowledged.

   Claims 14-15, 25-30, and 40-55 have been examined and are pending.

Information Disclosure Statement

   The information disclosure statement filed on 06/12/2008, 02/20/2008, 11/15/200, and

02/26/2004 fail to comply with 37 CFR 1.98(a)(3) because it does not include a concise

explanation of the relevance, as it is presently understood by the individual designated in 37 CFR

1.56(c) most knowledgeable about the content of the information, of each patent listed that is not

in English language. It has been placed in the application file, but the information referred to

therein has not been considered.

Specification

   The disclosure is objected to because of the following informalities: The abstract of the

specification recites, "the execution of content is **liked** with the ticket". It should be "the

execution of content is **linked** with the ticket". Appropriate correction is required.

Claim Rejections - 35 USC § 101

   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 14-15 and 40-50 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject mater.

      Claims 14-15 are not directed to eligible subject matter in view of *In re Comiskey*, 499

F.3d 1365 (Fed. Cir. 2007). The claims recite *"**means for** receiving command inputs"*, *"**means**

for acquiring content"*, *"**means for** executing content"*, *"**means for** checking the existence of a*

mobile information terminal in neighborhood", and *"**means for** acquiring content data*

corresponding to the performance of said external device" which do not require integrating a

machine (e.g., a computer), or constitute a process of manufacture, or altering a composition of

matter. There is no further disclosure in the specification as to how the aforementioned *"means*

for" are implemented. Therefore, the nature of the subject matter claimed may reasonably be

construed as a mental process since the language of claims 14-15 broadly encompasses non-

tangible embodiments.

      Claims 40-50 recite **"a program"**. Functional descriptive material such as **a program**

must be claimed in combination with an appropriate tangible computer medium in order to be

statutory.

      Claims 40-50 are not claimed in combination with an appropriate tangible computer

readable medium. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d

1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106 (IV)(B)(1)(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-15 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 14-15 have been found in valid as indefinite because the claims recite "***means for***" languages and there is no structure disclosed in the specification. *"If there is no structure in the specification corresponding to the means-plus-function limitation in the claims, the claims will be found invalid as indefinite." Biomedino, LLC vs. Waters Technology Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007).

Claim 14 recites the limitation "the existence" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the performance" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "acquiring content data corresponding to **the performance** of the external device" (emphasis added). It is unclear to the Examiner to interpret "acquiring content data corresponding to **the performance** of the external device". What does it mean "the performance of the external device"? What kind of the performance does the Applicant refer to? How does the Applicant measure the performance of the external device?

   Claim 46 recites the limitation "the performance" in line 2. There is insufficient antecedent basis for this limitation in the claim.

   Claim 46 recites the limitation "selecting content matching with **the performance** of a hardware" (emphasis added). It is unclear to the Examiner to interpret " selecting content matching with **the performance** of a hardware " . What does it mean "the performance of a hardware"? What kind of the performance does the Applicant refer to? How does the Applicant measure the performance of the hardware?

Claim Rejections - 35 USC § 102

   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-26 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008.

As per claim 25:

Satoshi teaches a method for an external device to execute content, comprising the steps of:

   (a) receiving condition of the use of content from a mobile external device **[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; "software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading**

license or the software itself are downloaded through the portable telephone"; par. [0027],

fig. 7; "software usage license in the memory of the portable telephone is present and the

software is present in the memory or hard disk of the personal computer 2, it becomes

usable (step S73)"; See also par. [0028-0029]].

      (b) acquiring content from a content server **[Satoshi: par. [0037], fig. 5; portable**

telephone is able to download a software usage license from the authentication server; fig.

3].

      (c) executing content [Satoshi: **par. [0027], [0030], fig. 8; a personal computer**

downloads software which one wishes to use the memory or hard disk of the personal

computer 2 and thus made usable; par. [0039]; music data and video data can be used as

the software];

      (c) terminating execution of content **[Satoshi: par. [0032]; Software outside the**

portable telephone is deleted after the telephone is removed]; and

      (d) deleting said condition of the use of content **[Satoshi: par. [0032]; Software outside**

the portable telephone is deleted after the telephone is removed].

<u>As per claim 26:</u>

      Satoshi further teaches the method as claimed in claim 25 further comprising the step of

storing content before executing content **[Satoshi: par. [0027], [0030], fig. 8; a personal**

computer downloads software which one wishes to use the memory or hard disk of the

personal computer 2 and thus made usable; par. [0039]; music data and video data can be

used as the software; fig. 3].

As per claim 29:

Satoshi teaches the method as claimed in claim 25 further comprising the step of

receiving command inputs **[Satoshi: figs. 1-3];**

As per claim 30:

Satoshi further teaches the method as claimed in claim 25 further comprising the step of

searching other external devices for content **[Satoshi: fig. 4; par. [0033-0035]; LAN is**

connected between personal computer 2A and personal computer 2B. "The desired

software is launched from the personal computer 2B"];

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Hara** (US 20030058086 A1).

As per claim 14:

Satoshi teaches an external device for executing content, comprising means for communicating

with a mobile information terminal;

(a) means for receiving command inputs **[Satoshi: figs. 1-3]**;

(b) means for acquiring content **[Satoshi: par. [0037], fig. 5; portable telephone is able**

to download a software usage license from the authentication server; fig. 3];

(c) means for executing content [Satoshi: par. **[0027], [0030], fig. 8; a personal**

computer downloads software which one wishes to use the memory or hard disk of the

personal computer 2 and thus made usable; par. [0039]; music data and video data can be

used as the software];

Satoshi does not explicitly teach a means for checking the existence of a mobile

information terminal in neighborhood.

However, Hara teaches a means for checking the existence of a mobile information

terminal in neighborhood **[Hara: par. [0087], par. [0088]]**.

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi by including the teaching of Hara in

order to solve problems concerning antennas and set a proper communication-possible range

while suppressing an increase in power consumption and apparatus costs, thereby more

enhancing the reliability of control or a convenience of a user **[Hara: par. [0017]]**.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Hara** (US 20030058086 A1) and further

in view of **Hamada et al.** (JP 2002-163170).

As per claim 15:

Satoshi and Hara teach the subject matter as described as claim 14.

Satoshi and Hara do not explicitly teach an external device comprising means for acquiring content data corresponding to the performance of said external device.

However, Hamada teaches an external device comprising means for acquiring content data corresponding to the performance of said external device **[Hamada: par. [0011], [0012]; claim 20].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi and Hara by including the teaching of Hamada because it would reduce work load on user by specifying the content regeneration terminal and provide data with respect to reproduction capability or the memory capability of regeneration terminal **[Hamada: par. [0001], [0011-0012]].**

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Hori** et al. (US 2004/0010467 A1).

As per claim 27:

Satoshi does not explicitly teach a method further comprising the step of recognizing a mobile information terminal that has sent condition of the use of content.

However, Hori teaches a method further comprising the step of recognizing a mobile information terminal that has sent condition of the use of content **[Hori; par. [096]; "cellphone**

includes a content ID for the system to identify each content data, a license ID (i.e. ticket)
which is an administrator code to identify when and to whom the license was issued, and a
transaction ID which is code generated for each distribution session to identify each
distribution session"; See also par. [0140-0141], [0146-0147]].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time
the invention was made to combine the teaching of Satoshi by including the teaching of Hori
because it would provide a data distribution system that can prevent distributed copyrighted data
from being replicated without permission of the copyright owner, and a recording apparatus and
reproduction apparatus used in such a data distribution system **[Hori: par. [0008]].**

As per claim 28:

Satoshi and Hori teach the subject matter as described in claim 27.

Hori further teaches the method as claimed in claim 27 further comprising the step of
linking an identifier for a mobile information terminal with a ticket, storing said identifier and
said ticket **[Hori; par. [096]; "cellphone includes a content ID for the system to identify each
content data, a license ID (i.e. ticket) which is an administrator code to identify when and
to whom the license was issued, and a transaction ID which is code generated for each
distribution session to identify each distribution session"; See also par. [0140-0141], [0146-
0147]; par. [0107]; "license server 10 includes an information database 304 store a license
ID…"].**

Claims 40, 42-44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Satoshi Abe (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US

2002/0099663 A1) and further in view of **Shozo Toritani** (JP H11-284757).

<u>As per claim 40:</u>

Satoshi teaches a program for an external device to execute content performing the processes of:

     (a) receiving condition of the use of content from a mobile information terminal

[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; "software usage license in the portable

telephone or the upgrading action of the software is accompanied by a maintenance

contract, the upgrading license or the software itself are downloaded through the portable

telephone"; par. [0027], fig. 7; "software usage license in the memory of the portable

telephone is present and the software is present in the memory or hard disk of the personal

computer 2, it becomes usable (step S73)"; See also par. [0028-0029]];

     (b) receiving a demand to execute content from said mobile information terminal

[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; "software usage license in the portable

telephone or the upgrading action of the software is accompanied by a maintenance

contract, the upgrading license or the software itself are downloaded through the portable

telephone"; par. [0027], fig. 7; "software usage license in the memory of the portable

telephone is present and the software is present in the memory or hard disk of the personal

computer 2, it becomes usable (step S73)"; See also par. [0028-0029]];

     (c) obtaining content **[Satoshi: par. [0037], fig. 5; portable telephone is able to**

download a software usage license from the authentication server; fig. 3];

     (d) executing content **[Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software]**;

     (g) deleting said condition of the use of content from a storage section **[Satoshi: par. [0032]; Software outside the portable telephone is deleted after the telephone is removed]**.

     Satoshi does not explicitly disclose a device which issues a content ID,

     (e) receiving a demand to terminate the execution of content;

     (f) terminating the execution of content; and

However, Yoshini teaches a content delivery system and content and content delivery method wherein the content delivery system issues content ID to a user **[Yoshini: par. [0362], [0366], [0369], and [0372]; "a content ID identifying the content subject to the transaction, a ticket issuer ID identifying a ticket issuer which issues the ticket in response to the content transaction..."]**;

     Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the program for an external device of Satoshi by including the teaching of Yoshini in order to identify a purchased requested content from a user by using content ID **[Yoshini: par. [0032]]**.

     Satoshi and Yoshini do not explicitly teach,

     (e) receiving a demand to terminate the execution of content;

     (f) terminating the execution of content.

However, Shozo teaches,

(e) receiving a demand to terminate the execution of content [**Shozo: par. [0007], [0008], [0010], figs 1-7**];

(f) terminating the execution of content [**Shozo: par. [0007], [0008], [0010], figs 1-7**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi and Yoshini by including the teaching of Shozo because it would provide a cellular phone and PHS which can be used as common remote control of two or more controlled instruments irrespective of a distance from an installation of a controlled instrument [**Shozo: par. [0017]**];

As per claim 42:

Satoshi further teaches the program as claimed in claim 40 further performing the process of searching other external devices for the requested content [**Satoshi: fig. 4; par. [0033-0035]; LAN is connected between personal computer 2A and personal computer 2B. "The desired software is launched from the personal computer 2B"**].

As per claim 43:

Satoshi further teaches the program as claimed in claim 40 further performing the processes of:

(a) obtaining content from said mobile information terminal [**Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3, par. [0030]; "the desired software is downloaded to the memory or hard disk (HDD) of the personal computer 2, and thus usable"**];

(b) storing said content in a storage section **[Satoshi: fig. 3, par. [0030]; "the desired
software is downloaded to the memory or hard disk (HDD) of the personal computer 2, and
thus usable"]**.

As per claim 44:

Satoshi further teaches the program as claimed in claim 40 further performing the processes of:

(a) obtaining content from a content server **[Satoshi: par. [0037], fig. 5; portable
telephone is able to download a software usage license from the authentication server; fig.
3]**;

(b) storing the content in a storage section **[Satoshi: par. [0027], [0030], fig. 8; a
personal computer downloads software which one wishes to use the memory or hard disk
of the personal computer 2 and thus made usable; par. [0039]; music data and video data
can be used as the software]**.

As per claim 48:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Shozo further teaches the program as claimed in claim 40 further performing the processes of:

(a) receiving a demand from said mobile information terminal **[Shozo: par. [0007],
[0008], [0010], figs 1-7]**; and

(b) stopping a content player **[Shozo: par. [0007], [0008], [0010], figs 1-7]**.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1)

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Isamu Iwamoto** (JP-

2002-024178).

As per claim 45:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 44.

Yoshini further teaches referring to said content ID and obtaining content **[Yoshini: par.**

[0362], [0366], [0369], and [0372]; "a content ID identifying the content subject to the

transaction, a ticket issuer ID identifying a ticket issuer which issues the ticket in response

to the content transaction..."].

Satoshi, Yoshini, and Shozo do not explicitly disclose referring to a content server

address and communicating with a content server.

However, Isamu teaches referring to a content server address and communicating with a

content server **[Isamu: par. [0017]; "each intrinsic identification code is located to the**

content server 1, license server2, and image display terminal 3. The identification code for

example, is constituted by an IP (Internet Protocol) address"]

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi , Yoshini, and Shozo by including the

teaching of Isamu because it would provide a content authentication and a content authentication

method for utilizing a content while preventing a disordered duplicate of the content **[Isamu:**

par. [0005].

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Hara** (US

20030058086 A1).

As per claim 41:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program further performing the

process of periodically checking the existence of said mobile information terminal in

neighborhood.

However, Hara teaches a program performing a process of periodically checking the

existence of said mobile information terminal in neighborhood **[Hara: par. [0087], par. [0088]].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi, Yoshini and Shozo by including the

teaching of Hara in order to solve problems concerning antennas and set a proper

communication-possible range while suppressing an increase in power consumption and

apparatus costs, thereby more enhancing the reliability of control or a convenience of a user

[Hara: par. [0017]].

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Hamada et al.** (JP

2002-163170).

As per claim 46:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the process of

selecting content matching with the performance of a hardware on which said content is

executed.

However, Hamada teaches a program performing the process of selecting content

matching with the performance of a hardware on which said content is executed **[Hamada: par.**

[0011], [0012]; claim 20].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the

teaching of Hamada because it would reduce work load on user by specifying the content

regeneration terminal and provide data with respect to reproduction capability or the memory

capability of regeneration terminal **[Hamada: par. [0001], [0011-0012]].**

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Safadi** (US

2003/0126086 A1).

As per claim 49:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the processes of:

(a) confirming that said condition of the use of content is fulfilled; and

(b) stopping a content player.

However, Safadi teaches,

(a) confirming that said condition of the use of content is fulfilled [**Safadi: par. [0010];**

"Associated access rights may have time based expiration of content usage or limit the

number of plays"]; and

(b) stopping a content player [**Safadi: par. [0010]; Safadi: par. [0010]; "Associated**

access rights may have time based expiration of content usage or limit the number of

plays"].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the

teaching of Safadi because it would secure a sale of content and protect against and unauthorized

distribution and playback of the content **[Safadi: par. [0002]].**

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Candelore** (US

7,120,250 B2).

As per claim 47:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Yoshini further teaches (a) storing an identifier of a mobile information terminal linked

with a ticket **[Yoshini: par. [0362], [0366], [0369], and [0372]; "a content ID identifying the

content subject to the transaction, a ticket issuer ID identifying a ticket issuer which issues

the ticket in response to the content transaction..."; fig. 39]**.

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the processes

of:

(b) decoding content;

(c) confirming the validity of condition of the use of content; and

(d) booting a content player.

However, Candelore teaches a program performing the processes of:

(b) decoding content **[Candelore: fig. 7, Col. 8, lines 40-48; decoder/encoder]**;

(c) confirming the validity of condition of the use of content **[Candelore: Col. 7, lines

55-65; Col. 8, lines 12-13; determining that valid digital right are available from the DRM

data; fig. 7, Col. 8, lines 40-48; DRM validator;]**; and

(d) booting a content player **[Candelore: fig. 7, play content (box 750); Col. 7, lines 55-65]**.

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the teaching of Candelore to provide users with a means for multiple encrypting digitized video for purpose of enabling multiple digital rights management scenarios (DRMs) **[Candelore: Col 1. , lines 45-51]**.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Shozo Toritani** (JP H11-284757) in view of **Saisei Sochi** (JP 2002-175084) Translated by Schreiber Translations, Inc, June 2008 and further in view of **Burger** (US 2007/0027696 A1).

As per claim 50:

Satoshi teaches a program for an external device to execute content performing the processes of:

(b) receiving a ticket and condition of the use of content including an identifier of said mobile information terminal **[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; "software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone"; par. [0027], fig. 7; "software usage license in the memory**

of the portable telephone is present and the software is present in the memory or hard disk

of the personal computer 2, it becomes usable (step S73)"; See also par. [0028-0029]].

       (c) storing said condition of the use of content in a memory [Satoshi: par. [0023]; fig. 3,

par. [0037], fig. 5; "software usage license in the portable telephone or the upgrading action

of the software is accompanied by a maintenance contract, the upgrading license or the

software itself are downloaded through the portable telephone"; par. [0027], fig. 7;

"software usage license in the memory of the portable telephone is present and the software

is present in the memory or hard disk of the personal computer 2, it becomes usable (step

S73)"; See also par. [0028-0029]

       (d) acquiring content from a content server [Satoshi: par. [0037], fig. 5; portable

telephone is able to download a software usage license from the authentication server; fig.

3].

       (e) executing content [Satoshi: par. [0027], [0030], fig. 8; a personal computer

downloads software which one wishes to use the memory or hard disk of the personal

computer 2 and thus made usable; par. [0039]; music data and video data can be used as

the software];

Satoshi does not explicitly teach,

       (f) terminating the execution of content,

       (g) renewing said ticket,

       (a) sending an identifier of said external device to a mobile information terminal.

However, Shozo teaches,

       (f) terminating the execution of content [Shozo: par. [0007], [0008], [0010], figs 1-7].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi by including the teaching of Shozo

because it would provide a cellular phone and PHS which can be used as common remote control

of two or more controlled instruments irrespective of a distance from an installation of a

controlled instrument **[Shozo: par. [0017]]**.

Satoshi and Shozo do not explicitly teach,

    (g) renewing said ticket,

    (a) sending an identifier of said external device to a mobile information terminal.

However, Saisei teaches,

    (g) renewing said ticket **[Saisei: par. [0058]; "…The access restriction ACm is**

specially restriction information used on an occasion for outputting a license or license key

from memory card to an external destination and includes the permitted number of play

back occasion (i.e. number occasions for outputting the license key for playback)…"; par.

[0062]; "the update of the certification revocation list is essential judged by using, as

standard, the date of disseminations of a license (e.g. license key) …"; See also par. [0064],

[0115-0117], [0121]].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi and Shozo by including the teaching

of Saisei because it would provide a playback device capable of playing back encrypted contents

data in a manner similar to that for playing back ordinary contents data **[Saisei: par. [0015]]**.

Satoshi, Shozo, and Saisei do not explicitly teach sending an identifier of said external

device to a mobile information terminal.

However, Burger teaches sending an identifier of said external device to a mobile

information terminal **[Burger: par. [0026]; the device #2506 (PDA) may received an ID from**

device #1052].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi, Shozo, and Saisei by including the

teaching of Burger because it would provide for third party control of a device, allows for viewer

controller separation and authentication with validation **[Burger par. [0019]].**

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-

273135) Translated by FLS, Inc June 2008 in view of **Shozo Toritani** (JP H11-284757) in view

of **Saisei Sochi** (JP 2002-175084) Translated by Schreiber Translations, Inc, June 2008 and

further in view of **Burger** (US 2007/0027696 A1) and further in view of **Hara** (US

20030058086 A1).

As per claim 51:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi, Shozo, Saisei, and Burger do not explicitly teach a program further performing

the process of checking in neighborhood the existence of said mobile information terminal

identified by said identifier.

However, Hara teaches a process of checking in neighborhood the existence of said

mobile information terminal identified by said identifier **[Hara: par. [0087], par. [0088]].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time

the invention was made to combine the teaching of Satoshi, Shozo, Saisei, and Burger by

including the teaching of Hara in order to solve problems concerning antennas and set a proper

communication-possible range while suppressing an increase in power consumption and

apparatus costs, thereby more enhancing the reliability of control or a convenience of a user

[Hara: par. [0017]].

As per claim 52:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi further teaches the program as claimed in claim 50 further performing the process of

storing content data in a memory**[Satoshi: fig. 3, par. [0030]; "the desired software is

downloaded to the memory or hard disk (HDD) of the personal computer 2, and thus

usable"]**.

As per claim 53:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi further teaches the program as claimed in claim 50 further performing the process of

storing said identifier linked with said ticket in a memory **[Satoshi: par. [0023]; fig. 3, par.

[0037], fig. 5; "software usage license in the portable telephone or the upgrading action of

the software is accompanied by a maintenance contract, the upgrading license or the

software itself are downloaded through the portable telephone"; par. [0027], fig. 7;

"software usage license in the memory of the portable telephone is present and the software**

is present in the memory or hard disk of the personal computer 2, it becomes usable (step

S73)"; See also par. [0028-0029]].

As per claim 54:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Shozo further teaches the program as claimed in claim 50 further performing the process of

receiving command inputs **[Shozo: par. [0007], [0008], [0010], figs 1-7]**.

As per claim 55:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi further teaches the program as claimed in claim 50 further performing the process of

searching other external devices for the requested content **[Satoshi: fig. 4; par. [0033-0035];**

LAN is connected between personal computer 2A and personal computer 2B. "The desired

software is launched from the personal computer 2B"].

Conclusion

The prior arts made of record and not relied upon are considered pertinent to applicant's

disclosure.

US 6223291 B1 to Puhl; Larry C. et al.;

US 20040148523 A1 to Lambert, Martin Richard;

US 20020194355 A1 to Koskimies, Oskari;

US 7316033 B2 to Risan; Hank et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zand Kambiz can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner, Art Unit 2439

October 9, 2008
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